

OFFICE OF THE ATTORNEY GENERAL

86-00175



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

OPINION MODIFIED	
Date:	August 25, 1986
To:	Thomas A. Bartlett
File:	86-00342

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MAR 4 1986

Dr. James F. Vickery, Jr.
President
University of Montevallo
Montevallo, Alabama 35115

Colleges and Universities -
Eminent Scholars Endowment
Fund - Gifts - Funds

The University of Montevallo is
not entitled to claim funding
for an additional Eminent
Scholar prior to September 30,
1987.

Dear Dr. Vickery:

We have received your request for an opinion from this
office. Your question concerns Code of Alabama 1975,
§§16-61-1, et. seq. and is as follows:

"Prior to September 30, 1987, is the Uni-
versity of Montevallo eligible to claim
funding for one more Eminent Scholar, as-
suming we raise the required \$600,000
from private sources?"

The University of Montevallo is one of fourteen
universities entitled to match the appropriated funds for
eminent scholars. Each university is entitled to match an
equal share of the appropriated money before September 30,
1987 as established by Code of Alabama 1975, §16-61-5 which
states as follows:

Each public state university named in
section 16-61-1 is entitled to match an
equal share of the total moneys appropri-
ated to the Alabama eminent scholars
trust fund prior to September 30, 1987,
or for two years after any subsequent ap-

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President
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appropriation made by the legislature. Any funds hereby allocated to the Alabama eminent scholars trust fund, which remain unmatched by contributions, as outlined above, on September 30, 1987, shall be available for matching by any university foundation on the following basis: On September 30, 1987, any university foundation which has previously received a challenge grant may apply for any remaining funds and the Alabama commission on higher education shall award matching challenge grants in equal amounts to the applying foundations upon certification of the availability of matching funds. The matching ratio for these grants shall be the same as outlined in section 16-61-4. These funds and its matching amount may be used by a university foundation to increase its existing eminent scholars fund or to establish an additional eminent scholars fund. (Acts. 1985, No. 85-759, § 5)

According to the above quoted statute, the universities set forth in Code of Alabama 1975, §16-61-1 are only entitled to one matching appropriation from the eminent scholars trust fund prior to September 30, 1987. Therefore, based on Code of Alabama 1975, §16-61-5, it is the opinion of this office that the University of Montevallo is not eligible to claim funding for an additional Eminent Scholar or to increase an existing eminent scholar fund until September 30, 1987.

I hope this sufficiently answers your question. If, however, we may be of further assistance, please do not hesitate to contact us.

Sincerely,

CHARLES A. GRADDICK
Attorney General
By-



ALICE ANN BOSWELL
Assistant Attorney General